

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No.: 2:14-cr-00099-APG-PAL

Plaintiff

**Order Denying Motion for Copies and
Granting in Part Motion for Leave to File**

V.

VON WHITE,

Defendant

[ECF Nos. 151, 152]

Defendant Von White requests copies of his sentencing transcript and his “motion of very.” ECF No. 151. I deny the motion. I cannot discern from the record what White is referring to as his “motion of discovery.” I therefore deny that request, without prejudice if we can identify what document he is requesting.

As for the sentencing transcript, I deny the use of Criminal Justice Act funds to pay for preparation of the transcript. White states he needs it for “legal action,” but he does not identify that might be. The proceedings related to his direct appeal and his motion under 28 U.S.C. 5 have concluded. If White wants a transcript of his sentencing prepared, he must pay for it himself by ordering a transcript using form AO 435. The form and instructions for filling it out are located on the court’s website (www.nvd.uscourts.gov) under the heading “court documents” and then “forms.” I also direct the clerk of court to send him a copy of AO 435 and instructions.

20 White filed another motion requesting leave to supplement his § 2255 motion to correct
21 “factual and legal errors.” ECF No. 152 at 2. White wants to clarify that he is proceeding pro se,
22 that ground one of his § 2255 motion should refer to career offender rather than armed career
23 criminal, and that he withdraws ground two regarding whether his counsel was ineffective for

1 not filing a notice of appeal as he requested. *Id.* at 2-3. He also seeks to supplement his § 2255
2 motion with an attached memorandum. *Id.* at 3. He states that he was in lockdown from May
3 through October 2017, and thus lacked access to the law library. *Id.* at 3-4. He states he is now
4 seeking to “perfect” his § 2255 motion. *Id.* at 4.

5 I grant his motion to the limited extent that he has leave to file it to supplement the
6 record. But I have already ruled on White’s § 2255 motion. ECF No. 133. To the extent White
7 is requesting reconsideration of my prior order, I deny it. Nothing in his supplement changes the
8 fact that his § 2255 motion was untimely, and that *Johnson v. United States*, 135 S. Ct. 2551
9 (2015) does not apply to the residual clause of the career offender guideline. *See id.*; *Beckles v.*
10 *United States*, 137 S. Ct. 886 (2017).

11 IT IS THEREFORE ORDERED that defendant Von White’s motion for copies (ECF
12 No. 151) is DENIED.

13 IT IS FURTHER ORDERED that the clerk of court shall send defendant Von White a
14 copy of AO 435 and its instructions.

15 IT IS FURTHER ORDERED that defendant Von White’s motion for leave to file (ECF
16 No. 152) is GRANTED in part. I grant him leave to supplement the record, but I deny the
17 motion to the extent he is seeking reconsideration of my prior order.

18 DATED this 21st day of September, 2018.

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20 
21 ANDREW P. GORDON
22 UNITED STATES DISTRICT JUDGE
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